

REMARKS

Claims 1-13, 15-22, 27-31 and 35 are all the claims pending in the application.

Claim 1 is amended herein to further clarify the claim language and by amending the



definition of the ring . No new matter is presented.

A. Claim Rejections - 35 U.S.C. § 112

Claims 1-13, 15-18, 27, 28 and 35 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

Applicants traverse the rejection for the reasons of record, which are incorporated herein by reference, and additionally based on the following.

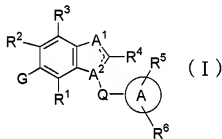
The primary purpose of the requirement for definiteness of claim language is to ensure that the scope of the claims is clear. A second purpose is to provide a clear measure of what Applicants regard as their invention so that it can be determined whether the claimed invention meets all the criteria of patentability. See MPEP § 2173.

The Examiner's focus in determining whether the claims are definite in compliance with 35 U.S.C. § 112, second paragraph should be whether the claims set out the claimed subject matter with a reasonable degree of clarity and particularity in light of (1) the content of the specification; (2) the teachings of the prior art; and (3) the claim interpretation that would be given by one of ordinary skill in the art.

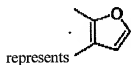


In this case, it is *the ring* which is defined in the claims and A1 and A2 are part of *the ring*. Further, *the ring* is specifically defined by the representation of the specific ring structures identified in the claim.

Specifically, claim 1 recites a fused heterocyclic derivative represented by the general formula (I):



wherein *the ring*:



or



represents as recited in the present claims.

Thus, there is nothing ambiguous or indefinite about the structure of the identified ring since the structure of the ring is shown and therefore defined in the claim. Those of ordinary skill in the art can readily ascertain the meaning and scope of the claim language.

Accordingly, Applicants request withdrawal of the rejection.

B. Claim Rejections


Claims 1-4, 7, 9-13, 15, 16 are rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by Rybczynski et al. (WO 2005012318 A2).





The Examiner relies on Rybczynski et al's compound named D-Glucitol, 1,5-anhydro-1-C[3-[2-(4-methoxyphenyl)ethyl]-1H-indol-5-yl], (1S)- and has a CAS# of 840541-37-9 (see Abstract and claims; see also entire reference).

Claims 17, 18, 27 and 28 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Rybczynski et al.

Applicants traverse the rejections.

Applicants submit that compounds of Rybczynski et al are compounds wherein the

moiety corresponding to A¹ in the ring  is a nitrogen atom, which is outside of the

scope of the present claims wherein  is ,  or .

Additionally, there is no apparent reason to modify the compounds of Rybczynski et al to arrive at the presently claimed compounds. Thus, the present invention is neither anticipated by nor rendered obvious over Rybczynski et al.

Accordingly, Applicants respectfully request withdrawal of the rejection.

C. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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CUSTOMER NUMBER

Date: May 20, 2011

/Jennifer M. Hayes/

Jennifer M. Hayes

Registration No. 40,641